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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/604,854	08/21/2003	Chuan-Pei Yu	ADTP0097USA	1853
27765	7590	07/26/2005	EXAMINER	
NORTH AMERICA INTERNATIONAL PATENT OFFICE (NAIPC)				TON, ANABEL
P.O. BOX 506				
MERRIFIELD, VA 22116				
ART UNIT		PAPER NUMBER		
		2875		

DATE MAILED: 07/26/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 10/604,854	<b>Applicant(s)</b> YU ET AL.
	<b>Examiner</b> Anabel M. Ton	<b>Art Unit</b> 2875

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

1)  Responsive to communication(s) filed on 09 May 2005.

2a)  This action is **FINAL**.      2b)  This action is non-final.

3)  Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

4)  Claim(s) 1-4, 6 and 8-11 is/are pending in the application.  
4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

5)  Claim(s) \_\_\_\_\_ is/are allowed.

6)  Claim(s) 1, 3 and 9 is/are rejected.

7)  Claim(s) 2, 4, 6, 8 and 10 is/are objected to.

8)  Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

9)  The specification is objected to by the Examiner.

10)  The drawing(s) filed on \_\_\_\_\_ is/are: a)  accepted or b)  objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)  The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)  Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)  All    b)  Some \* c)  None of:

1.  Certified copies of the priority documents have been received.
2.  Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3.  Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

1)  Notice of References Cited (PTO-892)  
2)  Notice of Draftsperson's Patent Drawing Review (PTO-948)  
3)  Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
    Paper No(s)/Mail Date \_\_\_\_\_  
  
4)  Interview Summary (PTO-413)  
    Paper No(s)/Mail Date. \_\_\_\_\_  
5)  Notice of Informal Patent Application (PTO-152)  
6)  Other: \_\_\_\_\_

***Response to Arguments***

1. Applicant's arguments, filed 05/09/05, with respect to the rejection(s) of claim(s) 1-7 and 9-11 under 102(a) have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made in view of Itoh .

***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1,3,9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Itoh (2002/0030993) and further in view of Ida et al (5,666,172).

Itoh discloses the claimed invention except for the recitation and a plurality of fixing elements for detachable connection of the bottom frame to the top frame. Itoh discloses at least an optical sheet and a diffusion plate fixed to a backside of a display panel, the optical sheet (not shown) and the diffusion plate (3) forming an upper module with the display panel (figs 2, 9, 10, pp. 0038), a top frame for accommodating and fixing the upper module (expanded view in figure 9 clearly shows a top frame member, figures 2 and 10 show the upper frame member fixing the upper module), a bottom frame (4) positioned below the upper module and fixed to the top frame (fig 2, shows the top frame and bottom frame fixed to each other), a plurality of lamps positioned within the

bottom frame (1); the bottom frame comprises a reflecting sheet surrounding the lamps (2); the lamps are cold cathode fluorescent lamps (pp.0038).

- Although Itoh does not specifically recite “the backlight unit is capable of changing the lamps within the bottom frame after removal of the upper module above the bottom frame”, the applicant is advised that it has been held that the recitation that an element is “capable of” performing a function is not a positive limitation, but only requires the ability to so perform. It does not constitute a limitation in any patentable sense. *In re Hutchison*, 69 USPQ 138. It appears as shown in figures 2 and 10 that Itoh is capable of having the lamps changed by means of removal of the front module to access the lamps in the bottom frame. Ida discloses a plurality of fixing elements positioned in the top frame and the bottom frame for detachable connection of the bottom frame to the top frame (523, 853). It would have been obvious to one of ordinary skill in the art at the time the invention was made to implement the fixing members of Ida et al in the device of Itoh et al to provide Itoh with a detachable means for fixing the top and bottom frame members to each other to facilitate accessibility to inner working components of the device.
- With regards to the lamps comprising external electrode fluorescent lamps, Itoh discloses that a hot cathode tube lamp or the like may be used at the light source of the device. It would have been obvious to one of ordinary skill in the art at the time the invention was made to use external electrode fluorescent lamps since external electrode fluorescent lamps are old and well known in the art for their

use in backlit displays for the purpose of providing a light source that is cost efficient and facilitates detachment from an electrical connecting structure of the device (for teaching also see previously cited reference Adachi).

***Allowable Subject Matter***

4. Claims 2,4,6,8 and 10 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.
5. The following is a statement of reasons for the indication of allowable subject matter: The prior art cited does not teach, the optical sheet comprises at least a diffuser sheet and a prism sheet, a plurality of buffer sheets positioned on portions of surfaces contacting with the lamps, the top frame comprises a plurality of fixing elements for fixing the optical sheet and the diffusion plate to the backside of the display panel; the fixing elements comprise screws, a clip positioned at an external electrode of the fluorescent lamps.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Anabel M. Ton whose telephone number is (571) 272-2382. The examiner can normally be reached on 08:00-16:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Sandra O'Shea can be reached on (571) 272-2378. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Anabel M Ton  
Examiner  
Art Unit 2875

AMT



Sandra O'Shea  
Supervisory Patent Examiner  
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